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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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| 10    BORNSTEIN SEAFOODS, INC., | CASE NO. C21-0022JLR |
| 11                     Plaintiff, | ORDER |
| 12             v. | |
| 13    CITY OF BELLINGHAM, et al., | |
| 14                    Defendants. | |

15      Before the court is Plaintiff Bornstein Seafoods, Inc.'s ("Bornstein") unopposed

16   motion for an order declaring its settlement with Defendant the Port of Bellingham ("the

17   Port") fair, reasonable, and consistent with the Comprehensive Environmental Response

18   Compensation and Liability Act, 48 U.S.C. § 9607(a) ("CERCLA") (Dkt. # 90).

19   Bornstein represents that it has served its motion and supporting documents on all known

20   interested parties, and that service of the motion and supporting documents was complete

21   by March 13, 2023.  (*See* Dkt. # 91-2 (listing known interested parties and Bornstein's

22   efforts at serving those parties); Dkt. # 92 (certificate of service); Dkt. ## 93, 94

1    (attaching certificates of service issued by the Washington Office of the Insurance

2    Commissioner).)  None of the known interested parties have appeared in this action or

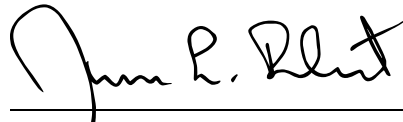3    responded to Bornstein's motion.  (*See generally* Dkt.)

4         The court has considered Bornstein's motion, all materials submitted in support of

5    the motion, the relevant portions of the record, and the governing law.  Being fully

6    advised, the court GRANTS Bornstein's motion for an order declaring its settlement with

7    the Port fair, reasonable, and consistent with CERCLA (Dkt. # 90).

8         The court further FINDS and ORDERS:

9         1.   The Settlement Agreement between Bornstein and the Port is reasonable,

10   and is consistent with CERCLA and the Washington Model Toxics Control Act (ch.

11   70A.305 RCW); and

12         2.   The Court ORDERS that all and any other claims for contribution,

13   allocation, subrogation, and equitable indemnity and any other cause of action in

14   connection with this action by and against Bornstein are hereby BARRED.

15         Dated this 12th day of April, 2023.

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18   JAMES L. ROBART
     United States District Judge

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ORDER - 2